

§ 381.121c

are considered mandatory requirements. This incorporation was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. (These materials are incorporated as they exist on the date of approval.) Copies may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. It is also available for inspection at the Office of the Federal Register Information Center, 800 North Capitol Street NW., suite 700, Washington, DC 20408.

(b) The following NBS Handbook 133 requirements are not incorporated by reference.

Chapter 2—General Considerations

- 2.13.1 Polyethylene Sheeting and Film
- 2.13.2 Textiles
- 2.13.3 Mulch

Chapter 3—Methods of Test for Packages Labeled by Weight

- 3.11. Aerosol Packages
- 3.14. Glazed Raw Seafood and Fish
- 3.15. Canned Coffee
- 3.16. Borax
- 3.17. Flour

Chapter 4—Methods of Test for Packages Labeled by Volume

- 4.7. Milk
- 4.8. Mayonnaise and Salad Dressing
- 4.9. Paint, Varnish, and Lacquers—Non-aerosol
- 4.11. Peat Moss
- 4.12. Bark Mulch
- 4.15. Ice Cream Novelties

Chapter 5—Methods of Test for Packages Labeled by Count, Length, Area, Thickness, or Combinations of Quantities

- 5.4. Polyethylene Sheeting
- 5.5. Paper Plates
- 5.6. Sanitary Paper Products
- 5.7. Pressed and Blown Glass Tumblers and Stemware

Appendix D: Package Net Contents Regulations

- D.1.1 U.S. Department of Health and Human Services, Food and Drug Administration
- D.1.2 U.S. Department of Agriculture, Food Safety and Inspection Service
- D.1.3 Federal Trade Commission
- D.1.4 Environmental Protection Agency
- D.1.5 U.S. Department of the Treasury, Bureau of Alcohol, Tobacco, and Firearms

(c) The following requirements of Supplement 1 dated September 1990, Supplement 3 dated October 1992, and

9 CFR Ch. III (1–1–97 Edition)

Supplement 4 dated October 1994, of NIST Handbook 133 are not incorporated by reference.

Supplement 1

Chapter 2 General Considerations

- 2.13.1. Polyethylene Sheeting and Film
- 2.13.2. Textiles
- 2.13.3. Mulch

Chapter 3 Methods of Test for Packages Labeled by Weight

- 3.11.4. Exhausting the Aerosol Container

Chapter 4 Methods of Test for Packages Labeled by Volume

- 4.6.4. Method D: Determining the Net Contents of Compressed Gas in Cylinders
- 4.7. Milk
- 4.16. Fresh Oysters Labeled by Volume

Chapter 5 Methods of Test for Packages Labeled by Count, Length, Area, Thickness, or Combinations of Quantities

- 5.4. Polyethylene Sheeting

Supplement 3

Chapter 3 Methods of Test for Packages Labeled by Weight

- 3.17. Flour and Dry Pet Food

Chapter 5 Methods of Test for Packages Labeled by Count, Length, Area, Thickness, or Combinations of Quantities

- 5.4. Polyethylene Sheeting

- 5.5. Paper Plates

65.8. Baler Twine

Appendix A. Forms and Worksheets

Supplement 4

- 3.11. Aerosol Packages
 - 3.11.1 Equipment
 - 3.11.2 Preparation for Test
 - 3.11.3 The Determination of Net Contents: Part 1
 - 3.11.4 Exhausting the Aerosol Container
 - 3.11.5 The Determination of Net Contents: Part 2

[55 FR 49835, Nov. 30, 1990, as amended at 60 FR 12885, Mar. 9, 1995]

§ 381.121c Scale requirements for accurate weights, repairs, adjustments, and replacement after inspection.

(a) All scales used to weight poultry products sold or otherwise distributed in commerce in federally inspected poultry plants shall be installed, maintained, and operated to insure accurate

weights. Such scales shall meet the applicable requirements contained in National Institute of Standards and Technology (NIST) Handbook 44, "Specifications, Tolerances and Other Technical Requirements for Weighing and Measuring Devices," 1994 Edition, October 1993, which is incorporated by reference. This incorporation was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. (These materials are incorporated as they exist on the date of approval.) A notice of any change in the Handbook cited herein will be published in the FEDERAL REGISTER. Copies may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. It is also available for inspection at the Office of the Federal Register Information Center, 800 North Capitol Street NW., suite 700, Washington, DC 20408.

(b) All scales used to weigh poultry products sold or otherwise distributed in commerce or in State designated under section 5(c) of the Poultry Products Inspection Act, shall be of sufficient capacity to weigh the entire unit and/or package.

(c) No scale shall be used at a federally inspected establishment to weigh poultry products unless it has been found upon test and inspection as specified in NIST Handbook 44 to provide accurate weight. If a scale is inspected or tested and found to be inaccurate, or if any repairs, adjustments or replacements are made to a scale, it shall not be used until it has been reinspected and retested by a USDA official, or a State or local government weights and measures official, or a State registered or licensed scale repair firm or person, and it must meet all accuracy requirements as specified in NIST Handbook 44. If a USDA inspector has put a "Retain" tag on a scale it can only be removed by a USDA inspector. As long as the tag is on the scale, it shall not be used.

[55 FR 49836, Nov. 30, 1990, as amended at 60 FR 12885, Mar. 9, 1995]

§ 381.121d Scales; testing of.

(a) The operator of each official establishment that weighs poultry food products shall cause such scales to be

tested for accuracy in accordance with the technical requirements of NIST Handbook 44, at least once during the calendar year. In cases where the scales are found not to maintain accuracy between tests, more frequent tests may be required and monitored by an authorized USDA program official.

(b) The operator of each official establishment shall display on or near each scale a valid certification of the scale's accuracy from a State or local government's weights and measures authority or from a State registered or licensed scale repair firm or person, or shall have an FSIS approval net weight program under a Total Quality Control System or Partial Quality Control Program in accordance with § 381.145 of this subchapter.

[55 FR 49836, Nov. 30, 1990]

§ 381.121e Handling of failed product.

Any lot of product which is found to be out of compliance with net weight requirements upon testing in accordance with § 381.121b of this subchapter shall be handled as follows:

(a) A lot tested in an official establishment and found not to comply with net weight requirements may be reprocessed and must be reweighed and remarked to satisfy the net weight requirements of this section, and be reinspected in accordance with the requirements of this part.

(b) A lot tested outside of an official establishment and found not to comply with net weight requirements must be reweighed and remarked with a proper net weight statement, provided that such reweighing and remarking shall not deface, cover, or destroy any other marking or labeling required under this subchapter and the net quantity of contents is shown with the same prominence as the most conspicuous feature of a label.

[55 FR 49836, Nov. 30, 1990]

§ 381.122 Identification of manufacturer, packer or distributor.

The name and address, including zip code, of the manufacturer, packer, or distributor shall be shown on the label and if only the name and address of the distributor is shown, it shall be qualified by such term as "packed for,"